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EXAMINER NGUYEN, THUY-VI THI				
ART UNIT 3689		PAPER NUMBER		
NOTIFICATION DATE 12/09/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patents@chadbourne.com

Office Action Summary

Application No.

10/692,974

Applicant(s)

REISMAN, RICHARD

Examiner

THUY-VI NGUYEN

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 157-190 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 157-190 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on 09/22/10, wherein:
Claims 157-190 are currently pending;
Claims 157-170 have been amended;
Claims 171-190 have been added;
Claims 1-156 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 157-109 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has added limitations to this claims related to *"the computer server system filtering the posted items, wherein the filtering selects a subset of the posted items to be viewed by a particular user of the system by taking into account the first and third rating data entries"* (step 5) and providing filterer viewing the selected subset of the posted items (step 6) . Examiner has reviewed applicant's disclosure include all the figures and submits that this added limitation finds no support in the specification as

currently written and is, therefore, directed to new matter. Applicant's specification publication [par. 0296-0297] appears to teach the "collaborative filtering methods to seek to find subsets of participants that rate a given item highly", [par. 0151] discloses "By using ratings and reputation.....the marketplace can filter contributionslearning process", [par 0164] discloses "Additionally, collaborative filtering methods can be applied to aiding in finding items that are well rated by participants with rating patterns.....common views". However, examiner submits that these teachings do not provide adequate support for the claim language of claim 157 as currently amended. Applicant's specification provides no teaching or disclosure of "*the computer server system filtering the posted items, wherein the filtering selects a subset of the posted items to be viewed by a particular user of the system by taking into account the first and third rating data entries*" as stated above.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 157-190 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) Independent claim 157, step (4) recites "deriving third rating data entries rating respective *ones of the plurality of users* based at least in part on a plurality of the second rating data entries" is vague and indefinite because it is not clear whether the "one of the plurality of users" is a "a first sub set of the plurality of users", or "a second

subset of the plurality of users", or " a third subset of the plurality of users" from the previous steps?

2) Independent claim 157, recites the limitation "the posted items" in step (5).

There is insufficient antecedent basis for this limitation in the claim.

3) Independent claim 157, step (6) recites "the computer server system *filtering the posted items*, wherein the filtering selects a subset of the posted items to be viewedthe first and third rating data entries" is unclear since none of the previous steps (1-4) is required a multiple posted items, e.g. step (2) recites "...corresponding to one or more of the posted items". If there is only one posted item, how a single posted item could be filtered? Noted that recited step (1) "making available a process of the computer server system enabling a first subset of the plurality of users to post items....plurality of users" does not mean that posting more than one items because the step only indicate the "making a process of the computer available, enable a user to post items. Also the term "to post items" is the intended use of the step/function "making....", in other word the term "to post items" does not impact the manipulative step "making..." in the method step. Therefore, for best understood in light of the 112 above step (6) is interpreted as "filtering the posted items wherein the filtering is selected from a subset of the posted items that are well rated by the plurality of users".

4) Dependent claim 162, recites "wherein the third rating data entries that serve as a reputation are based on a reputation weighting factor to weight a first user's rating of a posted item relative to the ratings of other ones of the plurality of users relating to that posted item based on the reputation of the first user" is confusion. It is not clear

what this limitation is encompassed? Who is the first user's rating? Are the terms "a first user's rating" and "a posted item" preferred back to the first, second rating data entries and the one or more posted items from independent claim 157? Also, there is insufficient antecedent and basis for the term "the reputation of the first user".

5) Dep. claim 165 recites "wherein the reputation of a first user is based at least in part on one or more of the posted items (one single item or multiple items) posted by other ones of the plurality users, and the posted items (multiple items) received from the other ones of the plurality of users rate one ore more of the posted items (one single items or multiple items) received from the first user" is confusion. It is not clear what limitation is encompassed. How the posted items are posted by other ones of the plurality users, and also received from the other ones of the plurality of users? Does it mean the user who posts the items is also the same user as receiving the posted items? or different users from the plurality of users receive the posted items? Furthermore, who is the first user? Is this user part of the ones of the plurality of users? The limitation is inconsistency with term "one or more of the posted items" (one single item or multiple items are posted), or there is only "posted items" (multiple items are posted). For the purpose of examination, the claim is interpreted as "a first user post the item, a second user rated the posted item received from a first of users".

6) Dep. claim 170, recites "the population of participants of the community", and "the level of the respective user's membership", there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 157-190 are rejected under 35 U.S.C. 103(a) as being unpatentable over GAKIDIS ET AL (US 2002/0095305).

As for independent claim 157, GAKIDIS ET AL discloses a method implemented by a computer server system programmed for operating a collaborative support system for a plurality of users comprising:

the computer server system making available a process of enabling a first subset of the plurality of users to post items to be accessible to all of the plurality of users;

{see figure 1, at least pars. 0013, 0015-0018, 0026 and claim 1 discloses a first subset of the plurality of users (e.g. entrepreneurs, inventors, employees) submitting ideas or intangible work product and having these ideas evaluated/reviewed/rated by members or different subset of individuals from a large group of individuals. Specifically par. 0048 discloses "an entrepreneur may submit an idea or business plan or other information through a server to lower tier of experts or first evaluator (a second plurality of users}

the computer server system receiving first rating data entries corresponding to one or more of the posted items from a second subset of the plurality of users

{see at least pars. 0031 discloses "ideas can be rated as they move up from experts at one level to another", and figures 1-2, pars. 0044-0046, 0048, 0054 and claim 1 wherein GAKIDIS ET AL discloses when an entrepreneur submit an idea or business plan or other information through a server to lower tier of experts or first evaluator (a second plurality of users), the lower level of experts 30 can work with entrepreneur to develop and refine the idea, before the idea as evaluated, reviewed and refined with the lowest level experts' input is submitted to the higher level of experts 34 or second evaluators (third subset plurality of users). It is noted that the idea which is evaluated, reviewed and refined by the lower experts is interpreted to be the first rating data entries). Therefore, GAKIDIS ET AL inherently disclose the server system receives the first rating data entries from the second subset of users (the experts at lowest level 30);

the computer server system receiving from a third subset of plurality of users a second rating data entries rating the first rating data entries

{see at least figure 1-2, pars. 0054-0055 wherein GAKIDIS ET AL discloses the first rating data entries (idea as refined and input by the lowest level expert 30) is submitted to the next level experts 34 (third subset of users), the experts at level 34 can provide consulting services on the idea in order to refine and potentially improve the idea. After providing their expertise, the experts in level 34 can provide the idea (as received or as refined) up to a further expert at highest level (36). It is noted that the idea which is evaluated, reviewed and refined by the level experts 34 is interpreted to be a second rating data entries). Therefore, GAKIDIS ET AL inherently disclose the

server system receives a second rating data entries from the third subset of users (the level experts 34);

the computer server system deriving/receiving/taking third rating data entries rating respective ones of the plurality of users based at least in part on a plurality of the second rating data entries;

{see at least pars. 0054-0055 wherein GAKIDIS ET AL discloses when the second rating data entries (idea which is evaluated, reviewed and refined by the level experts 34) is submitted to a further expert (e.g. level 36) to reviewed and refined the ideas. It is noted that the idea which is evaluated, reviewed and refined by the level experts 36 is interpreted to be a third rating data entries). Therefore, GAKIDIS ET AL inherently disclose the server system deriving/receiving a third rating data entries respective ones of the plurality of users based at least in part on a plurality of the second rating data entries.

the computer server system filtering the posted items, wherein the filtering is selected from the evaluating or rating data/ e.g. rated posted items

{see figures 2, pars. 0019 disclose "filtering ideas such that promising ideas are more likely to be funded, and pars. 0030, 0054 0089 discloses how the ideas may be filtered up through level of experts (evaluators), e.g. "Ideas preferably get presented to the lower level experts and though various mechanisms are filtered as they pass to the highest levels,

the computer server system providing the ideas (posted items) that have been rated to a user to view

{see par. 0019 e.g. "view ideas that have been rated by members of organization}.

GAKIDIS ET AL discloses the claimed invention as indicated above. GAKIDIS does not explicitly disclose providing the filtered viewing of the posted items (ideas) to a particular user (part of step 6).

Since GAKIDIS ET AL discloses the providing the users or member of organization to view the ideas that have been rated, and the collaborative filtering method for filtering ideas (posted items) as shown above {pars. 0019, 0030,0054 and 0089}. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the system GAKIDIS ET AL to include providing the user to view items/ideas that have been filtered so that the user can obtain or determine what posted items/ideas are likely to be selected by the system base on the rating.

As for dep. claim 158, which discloses the rating entries serve as a reputation of respective to one of the plurality of users {see GAKIDIS ET AL pars. 0046}.

As for dep. claim 159, which discloses the user or participant may be select different choices of filtering to be used for the viewing. Note: The term "maybe" is interpreted as "may" and "may not" or "being optional". The examiner is taken the "may not" position or "optional", thus the phrase "maybe" does not have any patentable weight. Language that suggests or makes optional but does not require steps to be perform or does not limit a claim to a particular structure does not limit the scope of a claim or limitation" (MPEP 2106.II. C).

As for dep. claim 160, which discloses the multiple alternative algorithms may themselves be subject to rating by participants. Note: The term "may" is interpreted as "may" and "may not" or "being optional". The examiner is taken the "may not" position or "optional", thus the phrase "maybe" does not have any patentable weight. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or limitation" (MPEP 2106.II. C).

As for the dep. claim 161, which discloses the filtered viewing comprising the information or data value such as ranking, applying a cut off threshold algorithm, and rating value. This data/information have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for the objected dep. claims 162 -163, which discloses using the weighting factors to weight the user's rating of an item, this is fairly taught in {see GAKIDIS ET AL, at least pars.0091, 0097, 0107}.

As for dep. claim 164 which discloses the weightings are based on the respective reputation weighting factors within a domain (group) associated with the posted items. This is fairly taught in {pars. 0097, 0046-048, 0054}.

As for dep. claims 165-166 which discloses "a first user post the item, a second user rated the posted item received from a first of users", wherein the ratings are weighted more heavier for the users who have higher reputation within the same domain (group), this is fairly taught in GAKIDIS ET AL, {see at least figure 2, pars. 0046, 0054-0055, 0057, 0097}.

As for dep. claim 167, which discloses the posted items being rated is one of an item is a rating of an item posted by one of the plurality of users, an item that is a rating of a reputation of the plurality of users, and an item that is any other class of posted items, this is fairly taught in GAKIDIS ET AL {see at least figure 2, pars. 0030-0031, 0046, 0048, 0054-0055 and claim 1}.

As for dep. claims 168-169, which discloses a rating of the posted items by the plurality of users may be associated with a user specified confidence level representing that user's level of confidence in that rating. The reputation of a respective one of the plurality of users is determined with lower dependence on ratings given lower confidence by that user than on ratings given higher confidence by that user. This is fairly taught in GAKIDIS ET AL {see at least figure 2 "level of expert/evaluators", pars. 0030-0031, 0046, 0048, 0054-0055 and claim 1}.

Furthermore, the term "maybe" is interpreted as "may" and "may not" or "being optional". The examiner is taken the "may not" position or "optional", thus the phrase "maybe" does not have any patentable weight. Language that suggests or makes optional but does not require steps to be perform or does not limit a claim to a particular structure does not limit the scope of a claim or limitation" (MPEP 2106.II. C).

As for the objected dep. claim 170, which discloses the population of the plurality of users collectively comprise a community that may be divided into multiple sub communities and the filtering of the posted items takes into account the level of the respective user's membership in a specified sub community. This is fairly taught in GAKIDIS ET AL, see at least figure 2, pars. 0030-0031, 0044, 0046. Furthermore, the term "may be" is interpreted as "may" and "may not" or "being optional". The examiner is taken the "may not" position or "optional", thus the phrase "maybe" does not have any patentable weight.

As for dep. claims 171-172, which discloses providing viewing of the first rating data entries, and filtering the first rating data entries in order to take into account of the third rating data entries. This is fairly taught in GAKIDIS ET AL (see at least figure 1-2, claim 1, pars.0030-0031, 0054-0055 wherein GAKIDIS ET AL discloses the first rating data entries (idea as refined and input by the lowest level expert 30) is submitted to the next level experts 34 (third subset of users), the experts in level 34 can provide the idea, evaluate (as received or as refined) up to a further expert at highest level (36). It is noted that the idea which is evaluated, reviewed and refined by the level experts 34 is interpreted to be a second rating data entries). The second data entries from the level expert 34 is submitted to the further expert (e.g. level 36) to reviewed and refined the ideas. It is noted that the idea which is evaluated, reviewed and refined by the level experts 36 is interpreted to be a third rating data entries).

As for dep. claims 173-174, which discloses the computer server system comprises a plurality of server computers which includes processor, memory, at least one program, a database and wherein the computer server system communicates with a plurality of computerized client devices controlled by respective ones of the plurality of users, and receive from a user a database query This is taught in GAKIDIS ET AL, at least figures 1-3, pars. 0042-0043, 0048.

As for dep. claim 175, which discloses receiving a query from the particular user, wherein the query comprising the selected subset of the posted items provided for filtered viewing. This is fairly taught in GAKIDIS ET AL, see pars. 0030-0031, 0089, 0096-0097.

As for dep. claim 176, which discloses ranking the particular subset of the posted items in accordance with an algorithm based at least in part upon the rating of each of the particular subset of the posted items. This is fairly taught in GAKIDIS ET AL, pars. 0032, 0111.

As for dep. claims 177-185, which discloses the type of users such as identified user, anonymous user and the type of rating data entries, e.g. implicit, explicit, overlapping subsets, and non-overlapping subsets which are have been determined to be non-functional descriptive material (NFDM) because this type of information does not alter or change how the process steps are to be performed to achieve the utility of the invention thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ

401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claims 186-187 which discloses second rating data entries/ rating the first rating data entries comprise a rating a rating relating to at least a plurality of the first rating data entries, this is taught in GAKIDIS ET AL figure 2, pars. 0054-0055 and claim 1.

As for dep. claim 188, which discloses the rating of the first rating data entries and the second rating data entries is performed by the computer system base upon a collective rating of the first rating data entries and the second rating data entries by the plurality of users, this is taught in GAKIDIS ET AL figure 2, pars. 0054-0055 and claim 1.

As for dep. claims 189-190 which discloses wherein any user is permitted to be a member of any of the first, second and third subset of users {see pars. 0045-0046}, and wherein the collaborative support system is unmoderated with regard to the actions recited in claim 157 {see at least pars. 0077, 0081}. Furthermore this limitation have been determined to be non-functional descriptive material (NFDM) because it does not alter or change how the process steps are to be performed to achieve the utility of the invention thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the

substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

Response to Arguments

Applicant's arguments with respect to claims 157-190 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689